

LOFGREN FIGHTS TO REDUCE E-MAIL SPAM

Silicon Valley Congresswoman offers legislation; Stanford professor Lawrence Lessig bets his job that email spam can be reduced

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Washington, DC – Congresswoman Zoe Lofgren (D-CA) today announced plans to introduce legislation to curtail e-mail spam that is clogging up company servers and consumer in-boxes with needless ads and solicitations. Lofgren's bill, the "Restrict and Eliminate Delivery of Unsolicited Commercial E-mail (REDUCE) Spam" Act will require bulk unsolicited commercial e-mail to include in its subject line the tag [ADV:]. In addition, the bill establishes a bounty for the first person to track down a spammer who violates the labeling or opt-out requirements. Lofgren announced her legislation today at an event for Stanford Law students, and she will formally introduce her bill when Congress reconvenes this week.

Congresswoman Lofgren made the announcement with Stanford University Law Professor Lawrence Lessig who joined in the chorus of boos against e-mail spam by betting his position at Stanford that this bill will reduce spam. Larry Lessig is a Professor of Law at Stanford Law School and the founder of the school's Center for Internet and Society.

"People are tired of hearing 'you've got junk mail' when they open their e-mail in-boxes," said Lofgren. "Companies and I are spending millions of dollars a year in trying to manage this problem. My REDUCE Spam Act will help curtail the flood of unwanted, unneeded and unnecessary spam-mail."

Said Stanford University Professor Lawrence Lessig: "This is the smallest step the government could take to eliminate a problem that is strangling e-mail on the Internet. This mix of public and private action to make it possible for people to choose whether to receive spam or not will, in my view, work. And if offering to resign the best job in the world at the greatest law school in the nation helps build the alliance necessary to get it passed, then I am happy to make that offer."

The flood of spam e-mail is growing so fast that it will soon account for over half of all e-mails sent in the United States. Today, it already accounts for nearly 40% of e-mail traffic at an annual cost to U.S. businesses of \$10 billion in lost productivity and additional equipment and software. Specifically, Lofgren's bill calls for the following:

- Requires marketers to label bulk commercial spam as "ADV:" and bulk adult spam as "ADV:ADLT."
- Requires marketers to establish a valid return e-mail address where a person can opt-out of receiving further e-mails.
- Prohibits marketers from sending any further e-mail after a person opts-out.
- Prohibits spam with false or misleading routing information or deceptive subject headings.
- Authorizes the FTC to collect civil fines against marketers who violate these requirements.
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Creates a strong incentive for people to report violations by awarding a bounty of 20% of the civil fine levied by the Federal Trade Commission to be paid by the spammer a bounty for information that leads to the successful collection of civil fines.

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Gives Internet service providers the right to bring civil actions against marketers who violate these requirements and disrupt their networks.

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Establishes criminal penalties for fraudulent spam.

“To give you an idea of the magnitude of the problem we face, AOL alone blocks 1 billion messages a day. This number will only grow. According to some industry experts, by the end of this year, fully half of all e-mail sent in the United States will be unsolicited,” said Lofgren. “The problem is not just the volume of spam, it’s tracking down the bad actors. Often, spammers use multiple e-mail addresses or disguise the routing information so that they can’t be identified.”

Rep. Zoe Lofgren is a member of Congress from the 16th district of California, a district that covers most of the City of San Jose, CA. She is regularly regarded as a leader in high-tech issues in Congress. In March, she re-introduced her BALANCE Act to change the DMCA to protect consumers fair use rights in the digital age.